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### REMARKS

This Amendment is in response to the final Office Action mailed on November 17, 2009. Claims 1, 5 and 8 are amended. Claim 1 is amended and is supported, for example, in the specification on page 9, lines 11-13 and Figure 1C. Claims 5 and 8 are amended to track the amendments to claim 1. No new matter is added. Claims 1-16 are pending with claims 14-16 being withdrawn.

#### §103 Rejections:

Claims 1-13 are rejected as being unpatentable over Esmond (US Patent No. 3,827,562) in view of Kruse (US Patent No. 4,617,122) in view of Wachter (US Patent No. 3,873,288) in view of Strnad (US Patent No. 4,133,661) in view of White (US Patent No. 5,632,894) and further in view of Haworth (US Patent No. 5,651,765). Claims 1-13 are also rejected as being unpatentable over Graus (US Patent No. 6,143,174) in view of Haworth in view of Esmond in view of Kruse in view of Wachter in view of Strnad and further in view of White. These rejections are traversed.

Claim 1 is directed to a blood filter device that requires, among other features, that the outlet is provided in the bottom portion so as to be coupled with the bottom space and extends in the horizontal direction including the center of the bottom portion.

Both rejections rely on White and Haworth for teaching an outlet that extends in a horizontal direction including the center of the bottom portion. However, White teaches that a bottom of the filter element 26 is covered with a base wall, and therefore a space under the filter element 26 is not coupled with the exit conduit 68 (see Figures 1 and 2 of White). Also, Haworth teaches that the outlet 26 extends in a vertical direction, not a horizontal direction. Also, Haworth teaches that a bottom of the filter element 20 is covered with a base portion 16 and therefore a space under the filter element 20 is not coupled with the outlet 26 (see Figure 1 of Haworth).

Esmond, Kruse, Wachter, Strnad and Graus do not overcome these deficiencies of White and Haworth.

An advantage of having the bottom space under the filter is that the blood flow pressure passing through the filter device can be maintained with only a negligible level

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of loss during normal use (see page 9, lines 11-13 of the present application). None of the cited prior art contemplates the use of such a bottom space or the advantages obtained thereby. Thus, it would not be obvious to one skilled in the art to modify the configurations of the prior art to include the above features of claim 1.

For at least these reasons, claim 1 is patentable over the combination of Esmond, Kruse, Watcher, Strnad, White and Haworth and should be allowed. Claim 1 is also patentable over the combination of Graus, Haworth, Esmond, Kruse, Wachter, Strnad and White and should be allowed. Claims 2-13 depend from claim 1 and should be allowed for at least the same reasons.

Conclusion:

Applicants respectfully assert that the pending claims are in condition for allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.



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Respectfully submitted,

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